

## **REMARKS**

This Amendment is fully responsive to the non-final Office Action dated June 19, 2007, issued in connection with the above-identified patent application. Claims 1-26 are all the claims pending in the present application. By this Amendment, claims 1, 6, 8, 13, 14 and 19-21 have been amended. No new matter has been introduced by this Amendment; thus, entry and reconsideration are respectfully requested.

To facilitate the Examiner's reconsideration of the application, the Applicants have provided a replacement abstract. Additionally, independent claims 1 and 19 have been amended to place the claims in better form for U.S. patent practice. The amendments made to independent claims 1 and 19 are not provided to address any rejections by the Examiner (e.g., rejections pursuant to 35 U.S.C. §101, §102, §103 or §112).

In the Office Action, claims 1-4 and 6-26 have been rejected under 35 U.S.C. §102(e) as being anticipated by Higashida et al. (U.S. Patent No. 6,862,401, hereafter "Higashida"). Additionally, claim 5 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Higashida. The Applicants respectfully traverse the rejections noted above for the reasons noted below.

The Applicants maintain that Higashida fails to disclose or suggest each and every element as recited in at least independent claims 1 and 19. Specifically, independent claim 1 recites "[a] recording apparatus for recording AV data containing at least one of audio data and video data, and recovery data for restoring management information for the AV data when AV data recording did not end normally, said recording apparatus recording the recovery data interleaved with the AV data during AV data recording." The features noted above in independent claim 1 are similarly recited in independent claim 19. Higashida fails to disclose or suggest at least a recording apparatus or method in which recovery data is interleaved with AV data during AV data recording.

In the Office Action, the Examiner relies on Higashida for disclosing all the features recited in independent claims 1 and 19. In particular, the Examiner relies on col. 2, lines 35-43 for disclosing the claimed recording apparatus and method. However, Higashida at col. 2, lines 35-43 discloses a file restoration means that is able to restore management information using history information or data. The operation of the file restoration means appears to be described in more

detail at col. 7, lines 28-51. At col. 7, lines 28-51, Higashida describes the use of a recording history 39 recorded on a hard disk 8, which can include information reflecting an interruption in the recording of AV data. For example, the recording/reproducing control means uses the recording history 39 to identify an AV data file that has no recording end time added. This AV data file is assumed to be a file whose AV data was destroyed or lost due to a power interruption. The recording/reproducing control means uses the recording history 39 to reproduce the lost or destroyed AV data.

However, nowhere does Higashida disclose or suggest that recovery data is interleaved with AV data during the recording of AV data. Instead, Higashida merely discloses the use of recorded history information or data to restore lost or destroyed AV data. Therefore, Higashida appears to suffer from the same deficiencies noted by the Applicants in conventional digital recording apparatuses (see e.g., Background Of The Invention). Specifically, in a conventional digital recording apparatus, the loss of power during the recording of AV data can result in inconsistencies between the AV data and the management information. The AV data includes content related to television programs, movies, and other types of high volume moving pictures; wherein the management information includes the title, recording date, aspect ratios, other similar technical information related to the AV data. Typically, recording of management information is stored at certain times (e.g., when a disc is ejected) during the recording process.

However, if power is unexpectedly interrupted to a digital recording apparatus (e.g., due to a power failure) before recording of the AV data is completed, the recording operation could end without the management information for the AV data ever being recorded. Thus, the management information is lost, creating an inconsistency between the recorded AV data and the corresponding management information. The present invention, as recited in independent claims 1 and 19, addresses this problem by recording the AV data and the recovery data in an interleaved fashion; wherein the recovery data includes management information. Thus, the possibility of losing management information due to a power loss is significantly decreased.


Thus, the cited prior art cannot accomplish the effects of the present invention, and no obvious combination with or modification to the cited prior art would result in, or otherwise render obvious, the present invention recited in independent claims 1 and 19.

Therefore, independent claims 1 and 19 are patentably distinguished over the cited prior art. Additionally, dependent claims 2-18 and 20-26 are also patentably distinguished over the cited prior based at least on their dependency from independent claims 1 and 19. As such, it is submitted that the present claims are clearly allowable, and an early notice thereof is earnestly solicited.

After reviewing this Amendment, if the Examiner feels there are any issues remaining which must be resolved before the application can be passed to issue, it is respectfully requested that the Examiner contact the undersigned by telephone in order to resolve such issues.

Respectfully submitted,

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